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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,271

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W. Kenneth Menke

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7481

21888

7590

03/24/2006

THOMPSON COBURN, LLP  
ONE US BANK PLAZA  
SUITE 3500  
ST LOUIS, MO 63101

EXAMINER

LEE, GUIYOUNG

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

12

<b>Office Action Summary</b>	Application No.		Applicant(s)	
	10/624,271		MENKE ET AL.	
	Examiner		Art Unit	
	Guiyoung Lee		2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 16-20 is/are allowed.
- 6) ☒ Claim(s) 1-11, 13 and 15 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Prelim./Amdt.*

1. Receipt is acknowledged of the amendment filed 12/27/2005.

### *Response to Arguments*

2. Applicant's arguments, see the REMARK, filed 12/27/2005, with respect to the rejection(s) of claim(s) 1-11, 13, and 15 under 35 U.S.C. 103(a) have been fully considered, but not persuasive.

In response to applicant's argument that the Eby, Lund, and Krusemark references all fail to disclose that a mounting bracket is positioned adjacent the window top edge, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The Eby's light bar having a mounting bracket are positioned above the top surface of the vehicle. However, Eby's light bar is sufficiently flexible so that the light bar with the mounting bracket can be positioned above the top surface of the vehicle. Therefore, it meets the claim.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6-9, 11, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eby (US 3,721,374) in view of Lund (US 5,130,906) and F. A. Krusemark (US 2,681,700).

5. Re claims 1, 8-9, and 11: Eby discloses a light bar for a vehicle, the light bar comprising an elongate support (11); a plurality of light assemblies (51 in Fig. 2) connected to the support (30) in position that are specially arranged along the length of the support and, the support being flexible along the length of the support enabling the support to bend in a curved configuration that follows the curve of the top edges of the rooftop of the vehicle (See the bendable support 30 in Fig. 8), and at least one mounting bracket (36) having means (the bolt and nut in Fig. 10) for connecting the mounting bracket to the light bar and having means (the bight portion 37 in Fig. 10) for connecting the mounting bracket to the vehicle to hold the support and the plurality of light assemblies connected to the support in positions. Eby's elongated support is not extending across either of the front facing and rear facing windows along the window top edge. Eby's elongated support is extending across the top surface of the vehicle as disclosed in Fig. 1. However, Lund's visor that has an elongated support (19 in Fig. 1) and lights is extending across the front facing window top edge (See Fig. 1). Further, Lund teaches the benefits of locating the device in positions extending across the front facing window adjacent the top edge such as promoting increased aerodynamic drag and protection of the windshield from sun and rain (col. 1, lines 20-33). Further, Krusemark discloses that a windshield visor support is extending across rear facing window and the visor support having a mounting bracket assembly is not above the top surface of the vehicle. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Eby's light bar to extend across the front facing window top edge as taught by Lund and Krusemark, motivated by the teachings of Lund above.

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Re claims 2, 6, and 15: Lund's elongated support and the plurality of light assembly is in positions in front of the top edge of the window, and the plurality of light assemblies being connected to only the front surface of the support (See 8, 9, 11, 12 in Fig. 1).

Re claim 3: Eby discloses the mounting bracket including the bight portion 37 holds the elongated support 11 and the plurality of light assemblies 51 below the top surface of the (See 37 in Fig. 10).

Re claim 7: Eby discloses a plurality of separate cases mounted to the elongated support and arranged along the length of the support (See 51s in Fig. 2).

Re claim 13: Eby does not disclose that each case of the plurality of cases contains a light assembly of the plurality of light assemblies. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Eby's case to include a plurality of light assembly in the case because it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

6. Claims 4-5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eby, Lund, and Krusemark as applied to claim 1 above, and further in view of Ohlenforst et al. (US 4,488,141).

Re claims 4-5 and 10: Eby and Lund is silent with regard to the limitation of "the mounting bracket being connectable to the vehicle window by an adhesive. Ohlenforst teaches a mounting bracket means (44) being connectable to the vehicle window (1) by an adhesive (46 in Fig. 7). Ohlenforst further teaches the advantage of attaching the light unit to the vehicle window by saying that "it is therefore an object of the invention to provide for a glass pane having a signal

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light unit rigidly mounted thereon which will be attractive, not necessarily restrict the field of vision (col. 1, lines 20-24)". It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Eby's mounting bracket being connectable to the vehicle window by an adhesive as Ohlenforst taught, motivated by the teachings of Ohlenforst above.

***Allowable Subject Matter***

7. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 12 and 16-20 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter:

With regard to claims 12, 14 and 16, the prior art of record does not disclose a light bar for a vehicle, configured as claimed, wherein a plurality of light assemblies, each light assembly of the plurality of light assemblies being mounted in a case of the plurality of cases for adjusting movement of the light assembly relative to the case to adjust a projection direction of a light beam projected by the light assembly. Claims 17-20 depend from claim 16. Therefore, claims 12, 14 and 16-20 are patentable over the prior art of record.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

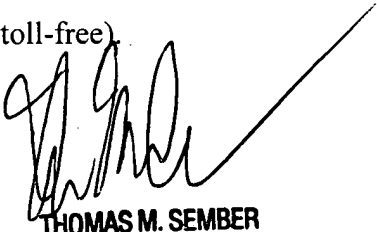
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY



THOMAS M. SEMBER  
PRIMARY EXAMINER